KERALA GAZETTE

SUPPLEMENTS

PUBLISHED BY AUTHORITY

Vol. XXVI] Trivandrum, Tuesday, 6th October 1981 / 14th Asvina 1903 (Saka) [No. 40

PART I

CONTENTS

GOVERNMENT OF KERALA

Abstract

PENSION—GRANT OF PENSION TO FREEDOM FIGHTERS—DISTRICT ADVISORY COMMITTEE — NOMINATION OF SRI K. KRISHNAN MASTER, PRESIDENT, KARIVELLUR PANCHAYAT, KARIVELLUR P. O., CANNANORE DISTRICT—ORDERS ISSUED.

GENERAL ADMINISTRATION (FFP) DEPARTMENT

G.O. (Ms) 263/81/GAD. *Dated, Trivandrum, 11th August* 1981.

Read: – G. O. MS. 513/80/GAD dated 1-11-1980

ORDER

In the G. O. read above, among others, Sri Arraickal Kunhiraman Karayalam P.O., Cannanore District was nominated to the Cannanore District Advisory Committee. Sri Kunhiraman died recently.

In the circumstance, Government are pleased to nominate Sri K. Krishnan Master, President, Karivellur Panchayat, Karivellur-P. O., Cannanore District to fill up the vacancy caused by the sad demise of Sri Arraickal Kunhiraman in the Cannanore District Advisory Committee for pension to Freedom Fighters.

By order of the Governor,
C. RAGHAVAN,
Deputy Secretary.

To

Sri K. Krishnan Master
President, Karivellur Panchayat
All other members of the District Advisory Committee, Cannanore.
The District Collector, Cannanore
The Accountant General, Kerala, Trivandrum
The Finance Department
The Director of Public Relations
The Secretary to Govt. of India, Ministry of Home Affairs, New Delhi (with C. L.)

Kerala Gazette No. 40 dated 6th October 1981.

PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 821/81/LBR. *Dated, Trivandrum, 3rd July* 1981.

The award of the Labour Court, Ernakulam in respect of the dispute between the Branch Manager-in-charge, Marikar (Motors) Ltd., K.K. Road, Kottayam and the workman of the above establishment Shri P. K. Raghavan, Palakkattuparambil, Parippu P. O., Kottayam received by Government on 27-6-1981 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
P. GOMATHY AMMA,
Deputy Secretary.

In the Labour Court, Ernakulam

Dated this the 20th day of June, 1981.

Present:

SHRI N. SUKUMARAN, B. SC., B. L.,
Presiding Officer
In

INDUSTRIAL DISPUTE No. 208 of 1979
(Old No. I. D. 128 of 1977)

Between

The Branch Manager-in-charge, Marikar (Motors) Ltd.,
K. K. Road, Kottayam.

And

The workman of the above establishment Shri P. K. Raghavan,
Palakkattuparambil, Parippu P. O., Kottayam.

Representations:

Shri T. K. Balakrishna Panicker, Advocate, Kottayam. } For *Management*

Shri Zacharia Koshy, Advocate, Kottayam. } For *Workman*

GA. 159/B

AWARD

The issue referred for adjudication by Government as per G. O. (Rt.) No. 1505/77/LBR dated 29-11-1977 is denial of employment to Shri P. K. Raghavan by the Branch Manager-in-charge, Marikar (Motors) Ltd., Kottayam. The reference made to the Labour Court, Quilon was taken on the file of that Court as I.D. 128 of 1977. The territorial jurisdiction came to this court when it was established afresh in 1978. A transfer thus became necessary and that is how the case was transferred and re-filed in the present number.

2. Pleadings were advanced before the transfer. This is an individual reference. The workman in his claim statement alleged that he was employed as a driver on a daily wages basis by the Management continuously from 1961 onwards. His salary initially was Rs. 2 per day. It was revised from time to time and finally it was Rs. 6.50 per day in 1974. Even though he was a regular and permanent worker the Management did not regularly pay his wages from February 1974 onwards. So he filed successive applications three in number under the Payment of Wages Act before the Authority under that Act, the Labour Court, Quilon, against the Management. This was not to the liking of the Management and therefore he was denied employment altogether with effect from 1-1-1976. The denial was without any basis. Therefore he is entitled to reinstatement with continuity of service including arrears in wages.

3. The contentions of the Management are as follows:—

The reference is bad and not maintainable as there is no dispute between the Management and its workmen. This Court has no jurisdiction as denial of employment does not find a place under Schedule II of the Industrial Disputes Act. Even if it is assumed that the reference is maintainable in law it has to fail on merits. The Management is a dealer in automobiles and spare parts. In connection with the sale of new automobiles the services of drivers were casually utilised for which they were paid as and when the employment was provided. Shri Raghavan's services were also utilised on some such occasions. He was only a casual worker. He did not have any permanency to claim benefits as a workman. There were very few chances for employing casual drivers from 1974 onwards as the business was very dull. Shri Raghavan could be provided with work only for a few days in 1974. He was paid for such employment. But finding that the scope for employment is very much limited Shri Raghavan abandoned the job early in 1975. Nothing was heard of him thereafter. The Payment of Wages Applications were filed by him without any reasonable basis. Those applications were dismissed by the concerned authority. Shri Raghavan, therefore, is not entitled to any reliefs.

4. Shri Raghavan in his rejoinder states that the reference is perfectly valid and maintainable. The allegation that he was a temporary and casual worker is emphatically denied. The other claims are reiterated. It is admitted that the Payment of Wages Applications filed by him were dismissed. But according to him the correctness of that dismissal was being challenged in appeal.

5. The evidence consists of the testimony of WW1 to WW3, MW1 and Ext. D1.

6. The points arising for consideration are as follows:—

I. Whether there is an industrial dispute available for adjudication ?

II. Whether this Court has jurisdiction to adjudicate the dispute, if any ?

III. Whether Shri Raghavan was a casual or permanent worker ?

IV. Whether there was denial of employment or abandonment ?

V. The reliefs, if any, to which Shri Raghavan is entitled.

7. *Point No. I*: There is no Union espousing the cause of Shri Raghavan. The issue referred as already mentioned is denial of employment. This individual dispute, therefore, cannot be termed as an industrial dispute as the term is defined in the Industrial Disputes Act (the Act for short) as argued by the learned counsel for the Management. The argument is that Sec 2A of the Act is inapplicable as denial of employment is not among the categories mentioned under that Section.

8. Discharge, dismissal, retrenchment or termination otherwise of services are brought under the ambit of section 2A. This is a case where Shri Raghavan was working under the Management and it is common case that he is not working now. The contention of the Management is abandonment whereas the workers ays that he who presented himself physically for work was denied employment. That complaint is taken as the basis for the dispute and the issue is so framed accordingly. In effect the complaint is that Raghavan's services were terminated by an act of the Management. So in essence the issue involved is termination which falls squarely within the provisions of section 2A of the Act. So there is an industrial dispute even though there is no Union espousing the cause. The objection is overruled and I hold that there is a subsisting industrial dispute between the parties.

9. *Point No. II*: Jurisdiction of this Court is challenged for the reason that denial of employment is not one or the other of the categories enumerated under the Second Schedule to the Act. Denial is not included in the Third Schedule also. As per item No. 6 of the Second Schedule all other matters not expressly included in the Third Schedule come within the jurisdiction of the Labour Court. Even assuming that the termination amounts to a retrenchment and therefore comes within item No. 10 of Third Schedule this Court's jurisdiction is not ousted as the Management has no case that the dispute relates to a matter likely to affect more than hundred workmen. So under the proviso to section 10 (1) (c) of the Act this Court will have jurisdiction in any event. I hold that this Court has jurisdiction to entertain and dispose of the reference.

10. *Point No. III*: The claim of the workman that he was being engaged as a driver by this establishment from 1961 till the end of 1975 is not in dispute. The only contention of the Management is that the employment provided during the interval was purely on a casual basis. The workman as WW1 has given evidence that he was continuously employed till February 1974. WW2 admittedly was the Accountant in charge of the Kottayam Branch of the Management from 1935 to 1972. He has given evidence that Shri Raghavan was employed regularly on a permanent basis till he (WW2) retired on superannuation in 1972. WW3 who was a driver of this concern from 1957 to 1963 states that himself and Shri Raghavan were at one time permanent drivers of the Management. It is further stated by WW3 that Shri Raghavan was continuing in service when he (WW3) left to take up Government service in 1963. As against this oral evidence there is only the testimony of MW1 that Shri Raghavan was only a casual worker. But MW1, the present Manager of the Kottayam Branch, is working in that station for the first time from 1979 onwards. He has no personal or direct knowledge regarding the conditions of service of Shri Raghavan. He had confessed in cross-examination that he has no direct knowledge of the affairs of the Kottayam Branch for the period prior to 1979. So his testimony does not even deserve to be called as evidence.

11. It is admitted by WW3 that T.C.R. forms are used when vehicles are entrusted to drivers. The names of the drivers are entered in such forms. MW1 had admitted that the relevant T.C.R. forms relating to Kottayam Branch are still maintained in the office. The carbon copies maintained in order could have been produced to show that the work entrusted to Shri Raghavan was on a casual basis. It was also possible to produce the relevant accounts to show that Shri Raghavan was engaged and paid only on rare occasions. The mere fact that Shri Raghavan was not in the habit of signing the attendance register is insufficient to say that he was continuing as a casual worker in the same establishment for more than two decades. It is true that this Management was maintaining an attendance register for marking the attendance of its employees. It is equally true that Shri Raghavan did not sign the same. His name is also not there. But he has a convincing explanation for the same. That is that he was paid only on daily wages basis and therefore it was unnecessary to have his attendance recorded. That the position was so is endorsed by the then Accountant WW2. No reasons are even suggested as to why WW2 should give false evidence against the Management. Same is the case of WW3. The failure of the Management to produce the documents admittedly in its possession gives room for a reasonable presumption that the documents if produced will go against its case. When all these facts and circumstances are taken together the case advanced by the employee can safely be accepted.

12. An argument is advanced on the basis of Ext. D1 order in the P.W.A. case filed by Shri Raghavan that he cannot claim to be a permanent worker. Ext. D1 shows that the contention of the Management that he was only a casual worker was accepted and the applications three in

number jointly tried and dismissed. But it is admitted that the composite appeal filed from the common order was allowed treating it as an appeal from one of the cases and that case remitted back for fresh disposal. In other words atleast one of the cases covered by Ext. D1 is still pending before the original Authority at the stage of trial. It is argued that the dismissal of the other two cases for the reasons stated in Ext. D1 stands and that way the finding therein operates against the present claim of the workman. But it is doubtful whether the Payment of Wages Authority had in fact jurisdiction to decide this complicated question which is actually the subject matter of an industrial dispute. Ext. D1 shows that the plea of the Management was accepted on the sole reason that Shri Raghavan's name did not find a place in the Attendance Register. I have already mentioned that that solitary circumstance cannot decide the matter in issue. I have no hesitation to say that Ext. D1 in the circumstances cannot operate as a bar against the claims of the workman. So I hold that Shri Raghavan was a permanent employee.

13. *Point No. IV.*—The evidence on this aspect is only one way Raghavan's claim as WW1 that it was a deliberate denial on account of the fact that he had approached the Payment of Wages Authority is not refuted by counter evidence. It is also not probable for Shri Raghavan to have abandoned a permanent job held by him for more than two decades without even claiming the retirement benefits. So I accept the case of the employee that there was a denial of employment. The point answered accordingly.

14. *Point No. V.*—WW1 himself has admitted that he is employed as a driver in a bus elsewhere. WW3 has given evidence that Raghavan was seen driving a bus even two years back. That shows that Shri Raghavan had been able to secure employment elsewhere after the denial of employment by this Management. It is also in evidence that this Management is not having a lucrative business in the sale of new cars on account of non-availability at present. The case of the workman that a substitute in his place is appointed is not established. The Management claims that there is no such substitute. In these state of affairs reinstatement is not advantageous to either side.

15. Arrears in wages and other benefits for the service rendered along with adequate compensation in lieu of reinstatement will meet the ends of justice in the circumstances of this case. Shri Raghavan must be deemed to have been in service from 1961 to 1975 both years inclusive. He is entitled to gratuity equal to fifteen days wages for each completed year of service. The question as to whether he was paid wages till 31-12-1975 is covered by the Payment of Wage Cases. Back wages from 1-1-1976 till this date alone need be paid. But he cannot be awarded full back wages as I have found that he had secured employment elsewhere. So half the back wages alone need be paid as arrears. Barring the fraction of this month the total period for which arrears is payable is 66 months. That means full wages for 33 months.

16. The rate has to be fixed now. There is no evidence to show that there was any revision in the daily wages. So the rate that was applicable in 1976 has to be adopted. That was Rs. 6.50 per working day. Wages were not paid for Sundays. So capitalisation is to be effected at 26. Then it works out to Rs. 169 per mensem.

17. Compensation in lieu of reinstatement has also to be awarded. A lump sum amount of Rs. 2,500 will be adequate in the circumstances of this case. So the benefits due to the workman are as follows:—

		Rs.
Back wages payable—33 x 169	..	5,577.00
Gratuity—15 x 15 x 6.50	..	1,462.50
Compensat.on	..	2,500.00
	Total	9,539.50

18. In the result an award is passed holding that there was an illegal denial of employment to Shri P. K. Raghavan, but reinstatement is not ordered. Instead Shri Raghavan is granted the monetary benefits enumerated above. The Management is directed to pay Shri P. K. Raghavan a sum of Rs. 9,539.50 (Rupees nine thousand, five hundred and thirty nine and paise fifty only). The amount will carry interest at the rate of twelve per cent from the date on which the award becomes enforceable.

19. This award shall come into force on the expiry of thirty days from the date of its publication in the Government Gazette.

Ernakulam,
20-6-1981.

N. SUKUMARAN,
Presiding Officer.

Appendix

Witnesses examined on the Workman's side :

WW1. Shri P. K. Raghavan.
WW2. „ N. Krishna Pillai.
WW3. „ Peethambaran.

Witness examined on the Management's side :

MW1. Shri A. K. George.

Exhibit marked on the Management's side :

Ext. D1. Certified copy of the order in P.W.A. Nos. 68/74, 5/75 and 2/76 of the Authority under the Payment of Wages Act, Quilon.

Kerala Gazette No. 40 dated 6th October 1981.
PART I

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 775/81/LBR. *Dated, Trivandrum, 18th June* 1981.

The award of the Labour Court, Ernakulam in respect of the dispute between the Manager, Precision Engineering Corporation, Edappally, Cochin-24 and their workmen represented by the Secretary, Precision Engineering Corporation Workers Union, Koonamthai, Cochin-24 received by Government on 15-6-1981 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
P. GOMATHY AMMA,
Deputy Secretary.

In the Labour Court, Ernakulam

Dated this the 4th day of June, 1981

Present:

SHRI N. SUKUMARAN, B. SC., B. L.,

Presiding Officer

In

INDUSTRIAL DISPUTE No. 283/79

Between

The Manager, Precision Engineering Corporation, Edappally, Cochin-24.

And

The workmen of the above establishment represented by the Secretary, Precision Engineering Corporation Workers Union, Koonamthai, Cochin-24.

Representations:—

Shri O. Balanarayanan, Advocate, Cochin-16. — For *Management.*

M/s Thampan Thomas & Associates, Advocates, Cochin-11. — For *Union.*

AWARD

The issue referred for adjudication by Government as per G. O. (Rt.) No. 935/79/L&H dated 2-7-1979 is the following:—

"Dismissal of Sri M. E. Aboobaker, Worker from M/s Precision Engineering Corporation with effect from 21-10-1978."

II. The Management justifies its action by contending that the workman was found guilty of the misconduct of deliberately cutting into two pieces an iron bar intended for re-rolling thereby causing substantial loss to the establishment when as a matter of fact the re-rolling could have been effected without such cutting resulting in a product of much more value. The Union on the other hand characterises the dismissal as one effected to satisfy the Management's anxiety to victimise the workman.

III. There was a domestic enquiry. The validity of the domestic enquiry was tried as a preliminary issue as there was rival contentions on that aspect. I have found as per my order dated 30-3-1981 that there was a proper and valid enquiry. It was further found that the evidence at the domestic enquiry was sufficient to reach the conclusion of guilt arrived at by the Enquiry Officer. That order is extracted here to avoid repetition of facts:—

"ORDER

The correctness of the dismissal of a worker by name M. E. Aboobaker by his employer is being challenged by the Union. The dismissal was after a domestic enquiry. That enquiry was ordered when the workman pleaded not guilty to the charge. The charge itself was that the workman with the deliberate intention of causing loss to the concern unnecessarily cut into two pieces an iron rod intended for re-rolling and thereby actually caused substantial loss to the Management. The Management has a case that the workman was found guilty in the enquiry that was conducted in accordance with the principles of natural justice. The Union on the other hand contends that there was no valid and proper domestic enquiry. In view of the rival contentions the issue regarding the validity of the domestic enquiry was tried on a preliminary basis. This order relates to that aspect alone.

2. The Enquiry Officer was examined as MW1 through whom the file relating to the enquiry was marked as Ext. M1. There is only a general attack against the enquiry in the claim statement of the Union that the principles of natural justice have not been adhered to. This is a case where the charge was served on the workman to which he had submitted his explanation. MW1, an Advocate, was appointed as the Enquiry Officer and the enquiry was conducted with notice to the workman. The workman participated in the enquiry throughout. On the first sitting the charge was read out to the workman and he pleaded not guilty. The Management stated that it has two witnesses to be examined. The workman also said that he has an equal number of witnesses. The case was adjourned to the

next day, i. e., 22-9-1978 for evidence. Two witnesses for the Management were present. The workman requested that the cross-examination of the witnesses may be adjourned to another day as the names of the witnesses were not furnished earlier. The Management wanted the examination to be completed on the same day. The names of the witnesses were furnished to the workman and the enquiry was adjourned to 27-9-1978. It could not take place as scheduled on account of the inconvenience to the Enquiry Officer. With notice to both sides the enquiry was started and concluded on 30-9-1978. The Management examined the two witnesses whose names were furnished earlier. The workman examined only one of the two witnesses contained in his list. It was stated that the other witness need not be examined. The Management's witnesses were cross-examined by a co-worker of Shri Aboobaker's choice. The depositions recorded by the Enquiry Officer are certified to be correct under the attestation of the presenting officer for the Management, the concerned workman and the co-worker who assisted him. There was also an oral hearing in which both sides were permitted to have their say. It is evident that the Enquiry Officer was very fair and impartial in the matter of enquiry proceedings. The suggestion made to MW1 that he was biased in favour of the Management and that Ext. M1 is not a true account of the real proceedings cannot be accepted as genuine in the light of the above facts and circumstances. So I hold that the enquiry so far it relates to form and procedure was correct and proper.

5. There is yet another complaint for the Union that the finding of guilt rendered by the Enquiry Officer is not warranted by the evidence available. The iron rod involved was produced as M. O. I in the enquiry. The workman had admitted in his explanation submitted before the Management as well as the oral statement given before the Enquiry Officer that M. O. I was cut into two pieces by himself. His defence is that such a bifurcation by cutting was necessary for convenient re-rolling. The Management's version was that the rod in its original condition could have been used for re-rolling into a finished product of much longer size fetching a higher price and that the two pieces into which it was cut can be used only for production of re-rolled rods of much smaller size selling at a considerable low price. MW1 at the enquiry, who is in overall charge of this concern, speaks to these facts. It was this witness who detected the alleged misconduct. MW2 is the Foreman. His claim that it is he who decides as to whether rods intended for a re-rolling are to be cut or not is corroborated by the solitary witness examined on the side of the workman. The defence witness had been examined to say that the particular rod in question was too long to be used for re-rolling and that therefore it was sent to Shri Aboobaker in the cutting section to effect the cutting. But it is admitted by that witness that the Foreman did not issue instructions for the cutting. If that be so the cutting was effected without orders of any competent authority. What is stated by the defence witness is that some outsider, an urchin took the rod to the cutting section from the furnace.

The witness was not in a position to give any further identification regarding that boy. It is not known as to how a stranger could have carried the rod from one section to the other section of the factory. It is evident that the defence witness is speaking to a coined story. Then the position is that the rod in question was cut into two pieces without lawful orders. The evidence is that the cutting had reduced the value and utility of the piece. So the workman concerned is really guilty of the misconduct as is found by the Enquiry Officer. The finding is hereby confirmed.

4. In the result it is hereby ordered that the enquiry was proper and the findings are correct."

IV After the above order the workman got himself examined as a witness to say that another employee Shri K. M. Ibrahim dismissed on an identical charge was reinstated by this Management. This allegation is denied by MW2, who was one the partners of the Management firm at the relevant time. MW2 has further stated that unnecessary cutting of the material intended for re-rolling results in substantial loss to the Management. What he says is that rolls of longer length fetch substantially high prices than those of shorter size.

V The only aspect remaining for consideration is as to whether the delinquent workman is entitled to any reliefs in the matter of punishment. According to the learned counsel appearing on behalf of the workman the offence established is of a trivial nature for which the extreme penalty of dismissal is too harsh to be sustained. On the other hand the Management argues that this workman is a habitual offender and that he was warned on several prior occasions not to repeat the misconduct of cutting the rods intended for re-rolling and that he persisted in repeating it and the only way open to the Management was to dismiss him. The argument that Shri K. M. Ibrahim, a worker dismissed for a similar misconduct, was reinstated is not acceptable according to the Management as the worker as WW1 had admitted in cross-examination that Shri Ibrahim is not in service of this Management. WW1 had admitted in cross-examination that Shri Ibrahim is not in the services of the Management and that he had voluntarily abandoned the job after reinstatement. There is nothing to show that Shri Ibrahim was reinstated after dismissal. The suggestion is emphatically denied by MW2. So the contention of the learned counsel for the workman that there was discrimination in the matter of treatment to similarly placed workman cannot be accepted.

VI The testimony of MW2 that Shri Aboobaker was warned on prior occasions for similar misconduct is not seriously challenged. So this is not a case where Shri Aboobaker was dismissed for the first offence. He did not improve inspite of previous warnings. He persisted in repeating the misconduct. The misconduct even though it appears to be trivial is not really so as unnecessary cutting of raw material results in substantial loss and damage to the Management. MW2 has narrated the process of

production. That involves reducing the girth of rods of higher diameter by pulling through various dies several times. It involves double the process if the original material is cut into two pieces. That means the cost of labour will be doubled. The production will also be less if more labour is not employed. The value for the end product will be much less if it is shorter. When viewed in this background the misconduct cannot be discarded as something silly or unimportant. In these state of affairs reinstatement of the workman is out of question. So the Management cannot be asked to re-entertain the workman.

VII Even in the above background it appears to me that the extreme penalty of dismissal cannot be justified. A discharge instead of dismissal will meet the ends of justice. So I am converting the dismissal into one of discharge.

VIII There is a dispute regarding the length of service of Shri Aboobaker. The workman as WW1 claims that he has put in six years service under the Management. But he was not in a position to give the details of his service when cross-examined. In these state of affairs the evidence of MW2 that Shri Aboobaker served the Management only from 1-4-1974 to 21-10-1978 has to be accepted. That works out to 4 years, 6 months and 21 days. It can be treated as five years for all practical purposes. Fifteen days salary for each completed years of service has to be paid as gratuity. Admittedly the pay last drawn was Rs. 209. The gratuity payable is thus Rs. 522 50 (Rupees five hundred and twenty two and paise fifty only).

IX In the result an award is passed converting the dismissal of Shri M. E. Aboobaker into one of discharge and the Management is directed to pay the benefit as mentioned above.

(Camp) Trichur,
4-6-1981

N. SUKUMARAN,
Presiding Officer.

Appendix

Witnesses examined on the Management's side:

MW1 Shri P. O. Abdulkhader.
MW2 ,, P. J. Mohammed Jamal.

Witness examined on the Union's side:

WW1 Sri M. E. Aboobaker.

Exhibit marked on the Management's side:

Ext. M1. The enquiry file.

GOVERNMENT OF KERALA

Labour (A) Department

NOTIFICATION

G. O. (Rt.) No. 1016/81/LBR. *Dated, Trivandrum,* 12*th August* 1981.

The award of the Labour Court, Ernakulam in respect of the dispute between the Managing Partner, Mahalakshmi Tile Works, Kottayi, Nedumbasseri, Alwaye and their workmen represented by (1) The General Secretary, Tile and Pottery Employees Association, Temple Road, Alwaye and (2) The General Secretary, Tile and Pottery Workers Union Market Road, Alwaye received by Government on 31-7-1981 is hereby published under section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,

P. GOMATHY AMMA,

Deputy Secretary.

In the Labour Court, Ernakulam

Dated this the 29th day of July, 1981

Present :

SHRI. N. SUKUMARAN, B. SC., B. L.,

Presiding Officer

In

INDUSTRIAL DISPUTE No 40 of 1980

Between :

The Managing Partner, Mahalakshmi Tile Works, Kottayi, Nedumbasseri, Alwaye

And

The workmen of the above concern represented by (1) The General Secretary, Tile and Pottery Employees Association, Temple Road, Alwaye and (2) The General Secretary, Tile and Pottery Workers Union, Market Road, Alwaye.

Representations:—

M/s. Joseph & Kuriyan, Advocates, Cochin-18.	For *Management*
M/s. M. Ramachandran & K. R. B. Kaimal, Advocates, Cochin-17.	For *Unions*

AWARD

The issue referred for adjudication by Government as per G. O. (Rt.) No. 854/80/LBR dated 13-6-1980 is "Termination of service of workmen with effect from 6-2-1980."

2. The copy of the charter of demands appended to the reference states that the workmen were denied employment without any valid reasons from 27-11-1979. The charter of demands itself is dated 27-11-1979. So it cannot relate to the termination which is alleged to have taken place with effect from 6-2-1980. But the real position is clarified in the written statement of the Management and the rejoinder filed by the Union.

3. The Management in its written statement admits termination of services of all its employees with effect from 6-2-1980. This termination, according to the Management, was on account of a closure of the business once for all with effect from that date. The closure became inevitable as the workmen resorted to violence following an incident on 26-11-1979. There were only 20 permanent workers in the establishment. There were also casual workers employed occasionally. On 26-11-1979 four persons who had worked previously as casual workers were brought into the factory by the permanent workers disregarding the objection of the Management. Those four persons started work with the assistance of the other workmen inspite of the repeated demands of the Management not to do so. Therefore work was suspended from 27-11-1979. The workmen thereupon turned violent and made it impossible for the Partners of the firm and their family members even to live in the locality. They had to leave the place. The workmen did not change their attitude and finally the Management had to close down the business. Thereafter there is no existing industry and therefore it cannot be said that there is an industrial dispute which could be adjudicated upon. The workmen were offered their legitimate closure compensation. They did not receive the same. They are not entitled to any other reliefs.

4. The Union in its claim statement contends that there was no legal or bonafide closure. There was only an illegal lock-out with ulterior motives. The Management has no consistent case regarding the circumstances under which the so-called closure was effected. Even if it is assumed that there was a closure it was not in accordance with due formalities. There was no valid notice. The workmen were also not offered their wages till 6-2-1980. There is no bonafide closure and the industry is still alive. The contention that there is no industrial dispute is therefore not correct. The workmen are entitled to reinstatment with back wages.

5. The point arising for consideration is as to whether there was a valid closure or unauthorised termination of the services. The evidence in the case consists of the testimony of WW1 to WW3, MW1, Exts. W1, W2 and M1 to M4. WW3 is the Secretary of the Union. WW1 and WW2 are two of the affected workmen. MW1 is the Managing Partner of the establishment.

6. The establishment involved is a Tile Factory. The Management is a firm. It is the admitted case that this firm has another Tile Factory and a Saw Mill. The work in the establishment with which we are concerned, the Mahalakshmi Tile Works, was admittedly suspended with effect from 27-11-1979. The charter of demands appended to the reference was against the suspension of work from 27-11-1979. The work could not be resumed inspite of the efforts of the Conciliation Officer. The Management finally issued notices like Ext. M2 dated 5-2-1980 to the individual workmen intimating that the business stands closed with effect from 27-11-1979. Admittedly the workmen were offered their legitimate closure compensation.

7. The witnesses examined on the side of the Union have stated that there were no compelling circumstances for resorting to the measure of closure. MW1, the Managing Partner of the Firm on the other hand swears that a situation was created by the workmen whereby he could not resume the work. He states that the workmen made life miserable for him and his family by causing obstructions and nuisance at his residence necessitating a temporary shift of his residence. According to him he could take up residence again in this locality only after obtaining a prohibitory order of injunction against these workmen and the Union from causing obstructions and nuisance at his residence. It was in these circumstances that he had to close down the business. It is admitted by him that the business was generally at a profit during the relevant period.

8. In Ext. M2 notice financial loss is stated as an additional reason in support of the closure. This circumstance is relied on by the Union to contend for the position that the Management has no consistent case and therefore it is easy to infer that the action of the Management lacks bonafides.

9. It is argued by the Union that there is in fact no closure and the attempt of the Management is a ruse to get rid of the workmen under some pretext or other. But the Management argues that the Union cannot question the bonafides or otherwise of the closure. It is the admitted case that the factory had been closed down and that no work had been transacted ever since 26-11-1979. The closure as per Ext. M2 notice takes effect from 27-11-1979. But it is now admitted that the closure is effective from 6-2-1980 only. MW1 has given evidence that he is not in a mood to resume work and the closure effected is once for all. The Union has no case that the work is continued in any other manner. The admitted fact that a Watchman is on duty (admitted by MW1) cannot be treated as a circumstance to say that the establishment is functioning. So actually there is a closure. It is true that the closure was only in February 1980 and the reference in question was made soon after. But still the closure has taken effect as a matter of fact. Therefore we have to proceed further finding that there was in effect a closure.

10. The fact that there was industrial unrest culminating in a lock-out followed by a closure is a circumstance, according to the learned counsel appearing on behalf of the Unions, to infer that the attempt of the Management lacks bonafides. Absence of bonafides or presence of malafides, according to this argument, can be treated by this Court as a ground to say that there is no genuine closure. Reliance is placed by the learned counsel on the pronouncements of the Supreme Court in Banaras Ice Factory Limited v. Their workmen (1957 I LL J 253) and Express Newspapers Limited v. Their workers and staff (1962 II LL J 227) in support of the argument. But the later decisions of the Supreme Court have clarified the position that it is not open to the Tribunal to go into the motive behind the closure. Indian Hume Pipe Company Ltd., v. Their workmen (1969 I LLJ 242) and Kalinga Tubes Limited v. Their workmen (1969 I LLJ 557) are the authorities for that position. In a still recent case, Workmen of the Straw Board Manufacturing Company Limited v. the Management (1974 I LLJ 499) the Supreme Court held (at page 507) as follows :—

> "Once the Court comes to the conclusion that there is a closure of an undertaking, the motive of the employer ordinarily ceases to be relevant. No employer can be compelled to carry on his business if he chooses to close it in truth and reality for reasons of his own. It is because of this that S. 25 FFF has been inserted by an amendment of the Industrial Disputes Act by Act 18 of 1957 ...."

Excel Wear and others v. Union of India and others (1978 II LL J 527) is another recent case wherein the Supreme Court has observed that it is the fundamental right of an employer to close down his business.

11. The above decisions indicate that it is not open to the Court or the Tribunal to go into the question of the motive behind the closure. The Tribunal or the Labour Court has no power to issue a mandatory injunction directing a Management to restart a business that is closed down So in cases where there is actual closure the Tribunal or the Labour Court is really helpless in ordering reinstatement as the effect will be to direct the Management to reopen the closed establishment. So the workmen are not entitled to the relief of re-instatement claimed.

12. There is one other argument for the Union that the partnership which owns this establishment is not dissolved and it has other establishments and therefore there cannot be said to be a legal closure. But it is common case that Mahalakshmi Tile Works is an independent establishment. Even otherwise it is perfectly within the rights of the Management to close even a branch when it has several branches. So the argument that other establishments of the firm are still working is a circumstance to say that there is no actual closure is not acceptable.

13. The workmen of course are entitled to closure compensation. Admittedly they have been offered the closure compensation. They did not accept the same. I have no data to fix the compensation due. But I make it clear that the workmen are entitled to closure compensation as though the closure had been effected on 6-2-1980. The workmen will be paid their wages for the interval 27-11-1979 to 5-2-1980 also.

14. In the result an award is passed holding that the establishment had been closed and therefore the workmen are not entitled to any reliefs other than the closure compensation and arrears in wages as indicated above.

15. This award shall come into force on the expiry of thirty days from the date of its publication in the Government Gazette.

Ernakulam,
29-7-1981.

N. SUKUMARAN,
Presiding Officer.

Appendix

Witnesses examined on the Unions' side :

WW1 Shri Muhammad
WW2 Smt. Omana
WW3 Shri Kaladharan Kozhippuram.

Witness examined on the Managements' side :

MW1 Shri Sivasankaran.

Exhibits marked on the Union's side :

Ext. W1. A letter dated 8-2-1980 from the Dist. Labour Officer.
,, W2. do. 26-12-1979 do.

Exhibits marked on the Management's side :

Ext. M1. A communication dated 1-3-1980 from the Alwaye Tile & Pottery Employees Association to the Management.
,, M2. A notice dated 5-2-1980 issued by the Management.
,, M3. A letter dated 6-2-1980 from the Management.
,, M4. A certificate dated 17-10-1980 issued by the Asst. Engineer, K.S.E. Board, Athani.

GOVERNMENT OF KERALA

Housing (H) Department

WITHDRAWAL NOTIFICATION

G.O. (Rt.) No. 349/81/Housing. *Dated, Trivandrum, 18th August* 1981.

S. R. O. No. 1130/81.—Under subsection (1) of section 52 of the Kerala Land Acquisition Act, 1961 (21 of 1962) the Government of Kerala, hereby withdraw from the acquisition of the lands mentioned in the Schedule hereto annexed in respect of which lands acquisition proceedings were initiated by the Special Tahsildar L. A., Kozhikode by the issuance of Notification No. A.124/80 dated 20th June 1980, under subsection (1) of section 3 of the said Act published at page 18 of Part III of Kerala Gazette dated the 21st October, 1980.

SCHEDULE

District—Wynad. *Taluk*—Manantoddy.

Village—Vemom.

Sl. No.	*Sy. No.*	*Description*	*Extent (in hectares)*
1	R. S. No. 301/1	U.D.	0.4007
2	R. S. No. 301/2	U.D.	1.2262
3	R. S. No. 301/6 A part	U.D.	0.4127
		Total	2 0396

Explanatory Note

(This does not form part of the notification, but is intended to indicate the general purport).

The acquisition proceedings in respect of the lands mentioned in the notification have been withdrawn as requested by Kerala State Housing Board, Trivandrum.

എസ്. ആർ. ഒ. നമ്പർ 1130/81.— 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21-ാം ആക്റ്റ്) 52-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പു പ്രകാരം കേരള ഗവൺമെന്റ് ഇതോടു ചേർത്തിട്ടുള്ള പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള 21-10-1980-ാം തീയതിയിലെ കേരളാ ഗസറ്റിൽ 3-ാം ഭാഗത്ത് 18-ാം പേജിൽ പ്രസിദ്ധപ്പെടുത്തിയ പ്രസ്തുത ആക്റ്റ് 3-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരം 20-6-1980-ാം തീയതിയിലെ

എ. 124/80-ാം നമ്പർ പരസ്യം പുറപ്പെടുവിച്ചുകൊണ്ട് സ്ഥലമെടുപ്പ് നടപടികൾ ആരംഭിച്ചിട്ടുള്ളതുമായ സ്ഥലം വിലയ്ക്കെടുക്കുന്നതിൽ നിന്നും ഇതിനാൽ പിൻവാങ്ങുന്നു.

പട്ടിക

ജില്ല—വയനാട്. താലൂക്ക്—മാനന്തവാടി.

വില്ലേജ്—വേമം.

ക്രമ നമ്പർ	സർവ്വെ നമ്പർ	വിവരണം	വിസ്തീർണ്ണം ഹെക്ടാർ
1	റീ. സ. 301/1	അ. പു.	0.4007
2	റീ. സ. 301/2	അ. പു.	1.2262
3	റീ. സ. 301/6 എ. പാർട്ട്	അ. പു.	0.4127
		ആകെ	2.0396

വിശദീകരണക്കുറിപ്പ്

(ഇത് പരസ്യത്തിന്റെ ഭാഗമല്ല. എന്നാൽ പൊതു ഉദ്ദേശം സൂചിപ്പിക്കുന്നതിനുള്ളതാകുന്നു.)

പരസ്യത്തിൽ പറയുന്ന ഭൂമി പൊന്നും വിലയ്ക്കെടുക്കുന്ന നടപടി കേരളാ സ്റ്റേറ്റ് ഹൗസിംഗ് ബോർഡിന്റെ അപേക്ഷയുടെ അടിസ്ഥാനത്തിൽ നിർത്തിവയ്ക്കുവാൻ തീരുമാനിച്ചിട്ടുണ്ട്.

By order of the Governor,
K. C. SANKARANARAYANAN,
Special Secretary.

GOVERNMENT OF KERALA

Labour (B) Department

NOTIFICATION

G. O. Rt. No. 1055/81/LBR. *Dated, Trivandrum, 18th August* 1981.

S. R. O. No. 1131/81.—Under subsection (1) of section 7 of the Kerala Toddy Workers' Welfare Fund Act, 1969 (22 of 1969), read with sub-paragraph (2) of paragraph 25 of the Kerala Toddy Workers. Welfare Fund Scheme, 1969, and in supersession of Notification No. G. O. (Rt.) 1326/80/LBR dated the 19th September, 1980 published as S. R. O. No. 932/80 in the Kerala Gazette No. 41 dated the 14th October 1980, the Government of Kerala hereby appoint the Officers mentioned in column (2) of the Schedule below to be Welfare Fund Inspectors to assist the Chief Welfare Fund Inspector in the discharge of his duties within the local limits specified against each in column (3) thereof, namely:—

SCHEDULE

Sl. No.	*Name and designation of the Officer*		*Local Limits*
(1)	(2)		(3)
1	Shri P. Ramachandran Nair,	Welfare Fund Inspector	Trivandrum District
2	,, P. Sukumarn Nair	do.	Quilon District
3	,, K. N. Karthikeyan Nair	do.	Alleppey District
4	,, K. K. Arjunan Achari	do.	Alleppey District
5	,, V. K. Sreenivasan	do.	Kottayam District
6	,, K. K. Gopinatha Pillai	do.	Kottayam District
7	,, E. A. Dharmarajan	do.	Idukki District and Taluks of Muvattupuzha and Kothamangalam in Ernakulam District
8	,, R, Sreenivasan	do.	Ernakulam District excluding the taluks of Muvattupuzha and Kothamangalam in Ernakulam District
9	,, M. R. Kumaran	do.	Ernakulam District excluding the taluks of Muvattupuzha and Kothamangalam in Ernakulam District

(1)		(2)	(3)
10	Shri Joseph Job	Welfare Fund Inspector	Trichur District
11	,, C. F. Jacob	do.	Palghat District
12	,, P. I. Mani	do.	Palghat District
13	,, K. Gopalakrishnan	do.	Malappuram District
14	,, K. Kumaran	do.	Kozhikode and Wynad District.
15	,, K. Sukumaran Nair	do.	Cannanore District
16	,, P. K. Kunhikrishnan Nambiar	do.	Cannanore District
17	,, A. V. Moideenkutty	do.	Cannanore District
18	,, N. K. Achuthan	do.	Cannanore District

By order of the Governor,

C. P. Nair,

Special Secretary.

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport.)

The names and the local limits of the Welfare Fund Inspectors appointed in the Kerala Toddy Workers' Welfare Fund Board from time to time under section 7 (1) of the Kerala Toddy Workers' Welfare Fnnd Act, 1969 (Act 22 of 1969) are to be notified. This notification is intended to achieve the above purpose.

GOVERNMENT OF KERALA

Transport, Fisheries and Ports (Transport C) Department

NOTIFICATION

No. 14479/TC2/81/TF&P. *Dated, Trivandrum, 19th August* 1981.

S. R. O. No. 1132/81.—In exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), the Government of Kerala being satisfied that it is necessary in the public interest so to do, hereby make the following further amendment to the Notification No. 33942/TC2/75-7/PW. dated the 29th September, 1975, published as S. R. O. No. 878/75 in the Kerala Gazette Extraordinary No. 572 dated the 29th September, 1975, namely:—

Amendment

In the said notification, after item 27, the following item shall be added, namely :—

"28. The stage carriages registered in the State of Tamilnadu and used as reserve buses in case of break down of regular route buses plying on inter-state routes, between the States of Tamilnadu and Kerala subject to the following conditions:—

(1) that only one reserve bus of each operator shall be entitled to the tax exemption;

(2) that similar exemption is granted by the Government of Tamilnadu in respect of vehicles of this State."

This amendment shall be deemed to have come into force with effect on and from the 1st October, 1975.

By order of the Governor,

D. Babu Paul,

Special Secretary.

Explanatory Note

(This is not part of the Notification, but is intended to bring out its main purport).

The stage carriages registered in the State of Karnataka and used as reserve buses in case of break down of regular route buses plying on inter-state routes, between the States of Karnataka and Kerala are exempted, from tax subject to the following conditions.

(1) that only one reserve bus of each operator shall be entitled to the tax exemption.

(2) that similar exemption is granted by th Government of Karnataka in respect of vehicles of this State.

A similar provision for exempting the stage carriages of Tamilnadu has not been included in the notification (7) of Kerala Motor Vehicles Taxation Rules 1975. The notification is intended to achieve the above object.

കേരള സർക്കാർ

റവന്യൂ (ബി) വകുപ്പ്

പ്രഖ്യാപനം

നമ്പർ 52294/ബി1/81/ആർഡി. തിരുവനന്തപുരം, 1981 ആഗസ്റ്റ് 27.

എസ്. ആർ. ഒ. നമ്പർ 1133/81.--ഇൻഡ്യൻ ഭരണഘടനയുടെ 258-ാം അനുച്ഛേദം (1)-ാം ഖണ്ഡം മൂലം നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച് ഇൻഡ്യൻ രാഷ്ട്രപതി 1963 ജൂൺ 8-ാം തീയതിയിലെ ഇൻഡ്യാ ഗസററ് II-ാം ഭാഗം 3-ാം വകുപ്പ് (ii)-ാം ഉപവകുപ്പിൽ 1963 മേയ് 31-ാം തീയതിയിലെ എസ്. ഒ. 1543 ആയി പ്രസിദ്ധപ്പെടുത്തിയ ഇൻഡ്യാ ഗവൺമെൻറ് ആഭ്യന്തരമന്ത്രി കാര്യാലയത്തിലെ 2-4-1963 ജുഡീഷ്യൽ II-ാം നമ്പർ വിജ്ഞാപനപ്രകാരം കേരള സംസ്ഥാനത്ത് യൂണിയൻെറ ആവശ്യത്തിനായി ഭൂമി വിലയ്ക്കെടുക്കുന്നത് സംബന്ധിച്ച് 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്ററ് (1962-ലെ 21) പ്രകാരമുള്ള കേന്ദ്ര സർക്കാരിൻെറ ചുമതലകൾ കേരള സർക്കാരിനെ അവരുടെ സമ്മതത്തോടുകൂടി ഭരമേൽപ്പിച്ചിരിക്കുന്നതിനാലും; 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്ററ് (1962-ലെ 21) 3-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പനുസരിച്ച് 1981 ഏപ്രിൽ 2-ാം തീയതിയിലെ 264-ാം നമ്പർ കേരള അസാധാരണ ഗസററിൽ 1981 മാർച്ച് 31-ാം തീയതിയിലെ 58745/ബി1/80/ആർഡി. എന്ന നമ്പർ വിജ്ഞാപനം എസ്. ആർ. ഒ. 405/81 എന്ന നമ്പരിൽ പ്രസിദ്ധപ്പെടുത്തിയിട്ടുള്ളതിനാലും;

പ്രസ്തുത ആക്ററ് 19-ാം വകുപ്പ് (4)-ാം ഉപവകുപ്പുപ്രകാരം, സംഗതിയുടെ അടിയന്തിരസ്വഭാവം പരിഗണിച്ച് പ്രസ്തുത ആക്ററ് 5-ാം വകുപ്പിലെ വ്യവസ്ഥകൾ താഴെ പട്ടികയിൽ പറഞ്ഞിരിക്കുന്ന ഭൂമിക്ക് ബാധകമാകുന്നതല്ലെന്ന് കേരള സർക്കാർ നിർദ്ദേശിച്ചിരിക്കുന്നതിനാലും;

താഴെ പട്ടികയിൽ പറഞ്ഞിരിക്കുന്ന ഭൂമി ഒരു പൊതുക്കാര്യത്തിനായി വിലയ്ക്കെടുക്കേണ്ടതാണെന്ന് കേരള സർക്കാരിന് ബോദ്ധ്യപ്പെട്ടിരിക്കുന്നതിനാലും;

ഇപ്പോൾ, അതിനാൽ, താഴെ പട്ടികയിൽ വിവരിച്ചിട്ടുള്ളതും 01.01 ആർ വിസ്തീർണ്ണം വരുന്നതുമായ ഭൂമി അത് അത്രതന്നെയോ, അതിൽ അൽപ്പം കൂടുതലോ കുറവോ ആയിരുന്നാലും വേണ്ടതില്ല. ഒരു പൊതുക്കാര്യത്തിന് അതായത് കൊടപ്പനക്കുന്ന് ടെലിവിഷൻ സെൻററിലേക്ക് ഒരു അപ്രോച്ച് റോഡ് നിർമ്മിക്കുന്നതിന് ആവശ്യമുണ്ടെന്ന് പ്രസ്തുത ആക്ററ് 6-ാം വകുപ്പുപ്രകാരം കേരള സർക്കാർ ഇതിനാൽ പ്രഖ്യാപിക്കുകയും, ആ ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുള്ള ഉത്തരവ് സ്വീകരിക്കുവാൻ പ്രസ്തുത ആക്ററ് 7-ാം വകുപ്പുപ്രകാരം തിരുവനന്തപുരം ഡെപ്യൂട്ടി കളക്ടർ (സ്ഥലമെടുപ്പ്) എന്ന ആളോട് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു. മാത്രമല്ല പ്രസ്തുത ആക്ററ് 9-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിൽ പറഞ്ഞിട്ടുള്ള നോട്ടീസ് പ്രസിദ്ധപ്പെടുത്തുന്ന തീയതി മുതൽ പതിനഞ്ചു ദിവസം കഴിയുമ്പോൾ കളക്ടർക്ക് ആ ഭൂമി കൈവശപ്പെടുത്താവുന്നതാണെന്നും പ്രസ്തുത ആക്ററ് 19-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരം ഗവൺമെൻറ് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു.

പ്രസ്തുത സ്ഥലത്തിന്റെ ഒരു പ്ലാൻ തിരുവനന്തപുരം ഡെപ്യൂട്ടി കളക്ടർ (സ്ഥലമെടുപ്പ്) എന്ന ആളിന്റെ ആഫീസിൽ സൂക്ഷിച്ചിട്ടുണ്ട്. ആഫീസ് സമയത്ത് എപ്പോഴും വേണമെങ്കിലും അത് പരിശോധിക്കാവുന്നതാണ്.

പട്ടിക

ജില്ല—തിരുവനന്തപുരം.

താലൂക്ക്—തിരുവനന്തപുരം. വില്ലേജ്—ചെട്ടിവിളാകം

(ഏകദേശവിസ്തീർണ്ണമാണ് കൊടുത്തിട്ടുള്ളത്)

സർവ്വെ നമ്പർ—2310/6
വിവരണം—പുരയിടം
വിസ്തീർണ്ണം—01.01 ആർസ്

ഗവർണ്ണറുടെ ഉത്തരവിൻപ്രകാരം,
ലിസ്സി ജേക്കബ്,
അഡീഷണൽ സെക്രട്ടറി.

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമല്ല. എന്നാൽ അതിന്റെ പൊതു ഉദ്ദേശം വെളിപ്പെടുത്തുന്നതിന് ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ്.)

ഇൻഡ്യൻ രാഷ്ട്രപതി 31-5-1963-ലെ 2-4-1963 ജുഡീഷ്യൽ 2-ാം നമ്പർ വിജ്ഞാപനത്തിൽ സംസ്ഥാനത്ത് കേന്ദ്ര സർക്കാരിന്റെ ആവശ്യത്തിലേക്ക് ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുള്ള അധികാരം കേരള സർക്കാരിനെ അവരുടെ സമ്മതത്തോടുകൂടി ഭാരമേൽപ്പിച്ചിട്ടുള്ളതും മുകളിൽ പട്ടികയിൽ പറഞ്ഞിട്ടുള്ള സ്ഥലങ്ങൾ ഒരു പൊതുക്കാര്യത്തിന് അതായത് കൊടപ്പനക്കുന്നു ടെലിവിഷൻ സെൻററിലേക്ക് ഒരു അപ്രോച്ച് റോഡ് നിർമ്മിക്കുന്നതിന് ആവശ്യമാണെന്ന് സംസ്ഥാന സർക്കാരിന് ബോദ്ധ്യപ്പെട്ടിട്ടുള്ളതും ആകുന്നു.

മേൽപ്പറഞ്ഞ ആവശ്യത്തിലേക്ക് ഉദ്ദേശിച്ചുകൊണ്ടുള്ളതാണ് ഈ വിജ്ഞാപനം.

GOVERNMENT OF KERALA

Transport, Fisheries & Ports (Transport-B) Department

NOTIFICATION

No. G. O. Rt. 970/81/TF&P. *Dated, Trivandrum,* 18*th August* 1981.

S. R. O. No. 1134/81.—Whereas Shri Parveez Ahammed, K. P. K. Mansion, Pattani Street, Palghat has decided to use the vehicle bearing Registration No. ADT. 9057 the details of which are hereunder given as an All India Tourist Service Vehicle ;

And whereas, the overall length of the vehicle exceeds the limit prescribed under sub-rule (2) of rule 267 of the Kerala Motor Vehicles Rules, 1961;

And whereas, the Government of Kerala are satisfied that the said vehicle can conveniently be used as an All India Tourist Service Vehicle ;

Now, therefore, in exercise of the powers conferred by rule 368 of the Kerala Motor Vehicles Rules, 1961 the Government of Kerala hereby exempt the said vehicle from the provisions of sub-rule (2) of rule 267 of the said Rules.

DETAILS OF THE VEHICLE

Registration No.—ADT. 9057
Engine No.—ALI—99197
Ghassis No.—ALC—118124.
Overall length—10 metres and 2 centimetres
Wheel Base—210"

By order of the Governor,
P. SANKARAN NAIR,
Additional Secretary.

Explanatory Note

(This is not part of the notification, but is to indicate its general purport.)

Shri Parveez Ahammed, K.P.K. Mansion, Pattani Street, Palghat bas requested Government to exempt the vehicle mentioned in the above notification from the provisions of sub-rule (2) of rule 267 of the Kerala Motor Vehicles Rules, 1961 as the overall length of the vehicle exceeds the limit prescribed. Government have considered the request in consultation with the Transport Commissioner and have decided to grant the exemption sought. Hence this notification.

GOVERNMENT OF KERALA

Public Works and Electricity (Electricity-A) Department

NOTIFICATION

No. 35617/ELA3/81/PW&E. *Dated, Trivandrum, 24th August* 1981.

S. R. O. No. 1135/81.—Under rules 1 and 2 of the Rules issued under Notification N . 6635/ELA3/73/W & P dated the 11th May 1973 and published in the Kerala Gazette No. 22 dated the 29th May, 1973, the Government of Kerala hereby make the following amendment to the notification No. 40666/ELA3/80/PW & E dated the 10th October 1980 published as S. R. O. No 943/80 in the Kerala Gazette Extraordinary No 765 dated the 10th October 1980, namely:—

AMENDMENT

In the said Notification, (1) for item No. 2 and the entries against it, the following shall be substituted, namely:—

"2. Shri John T. Jacob, Deputy Chief Electrical Inspector. Member and Secretary";

(ii) Item No. 5 and the entries against it shall be omitted.

By order of the Governor,

N. CHANDRASEKHARAN NAIR,

Secretary.

Explanatory Note

(This note is not part of the notification, but is intended to indicate its general purport).

In G. O. Rt. No. 1370/81/PW&E dated 3-8-1981 Government have terminated the services of Sri K. Madhavan Nair, in the Electrical Inspectorate. In this place Sri John T. Jacob, Superintending Engineer (Electrical), Kerala State Electricity Board has been appointed as Deputy Chief Electrical Inspector vide G. O. Rt. 1415/81/PW & E dated 7-8-1981. Sri John T. Jacob has assumed charge as Dy. Chief Electrical Inspector on 10-8-1981. Government have therefore decided to appoint Sri John T. Jacob as Member and Secretary of the Kerala State Electricity Licensing Board in the place of Sri K Madhavan Nair. This notification is intended to achieve the above object.

Kerala Gazette No. 40 dated 6th October 1981
PART I Section iv

കേരള സർക്കാർ

ഗതാഗതവും, മൽസ്യബന്ധനവും തുറമുഖവും

(ഗതാഗതം-എ) വകുപ്പ്

പിൻവാങ്ങൽ വിജ്ഞാപനം

നമ്പർ 8938/ററിഎ3/81/ററി. എഫ്. & പി.

തിരുവനന്തപുരം, 1981 ആഗസ്ററ് 10.

എസ്. ആർ. ഒ. നമ്പർ 1136/81.—1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്ററ് (1962-ലെ 21) 52-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരം, കേരള സർക്കാർ ഇതോടുചേർത്തിട്ടുള്ള പട്ടികയിൽ പറഞ്ഞിട്ടുള്ളതും 1979 ഡിസംബർ 12-ാം തീയതിയിലെ കേരള ഗസററ് III-ാം ഭാഗം 3587-ാം പേജിൽ പ്രസിദ്ധീകരിച്ച പ്രസ്തുത ആക്ററ് 3-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരമുള്ള 1979 നവംബർ 7-ാം തീയതിയിലെ ബി 7-16277/79 എന്ന നമ്പർ വിജ്ഞാപനം പുറപ്പെടുവിച്ചുകൊണ്ടു കോട്ടയം ഡെപ്യൂട്ടി കളക്ററർ (എൽ എ) സ്ഥലമെടുപ്പുനടപടികം ആരംഭിച്ചിട്ടുള്ളതുമായ സ്ഥലം വിലയ്ക്കെടുക്കുന്നതിൽ നിന്നും ഇതിനാൽ പിൻവാങ്ങുന്നു.

പട്ടിക

ജില്ല—കോട്ടയം താലൂക്ക്—കാഞ്ഞിരപ്പള്ളി

വില്ലേജ്—ചിറക്കടവു

(സുമാർ വിസ്തീർണ്ണമാണ് നൽകിയിരിക്കുന്നത്)

സർവ്വെ നമ്പർ—1207

വിവരണം—പുരയിടം

വിസ്തീർണ്ണം—02 ആർ.

ഗവർണ്ണറുടെ ഉത്തരവുപ്രകാരം,
പി. ശങ്കരൻ നായർ,
അഡീഷണൽ സെക്രട്ടറി.

വിശദീകരണക്കുറിപ്പ്

(ഇത് വിജ്ഞാപനത്തിന്റെ ഭാഗമല്ല, എന്നാൽ അതിന്റെ പൊതു ഉദ്ദേശം സൂചിപ്പിക്കുന്നതിനുവേണ്ടി ഉൾപ്പെടുത്തിയിട്ടുള്ളതാണ്.)

പൊൻകുന്നത്ത് കേരള സ്റേററ് റോഡു ട്രാൻസ്പോർട്ട് കോർപ്പറേഷന് ഒരു സബ് ഡിപ്പോ പണിയുന്നതിനുവേണ്ടി സ്ഥലം വിലയ്ക്കെടുക്കുവാൻവേണ്ടി സർവ്വേ നടത്തിയ സമയത്ത് സ്പെഷ്യൽ സർവേയർ വിലക്കെടുക്കുവാൻ ഉദ്ദേശിക്കുന്ന സ്ഥലം ചിറക്കടവു വില്ലേജിൽ സർവ്വെ നമ്പർ 1207-ൽ ഉൾപ്പെടുമെന്നു റിപ്പോർട്ടുചെയ്തിരുന്നു. അതുകൊണ്ട് സർവ്വേ നമ്പർ 1207 ഉൾപ്പെടുത്തികൊണ്ട് കേരള സ്ഥലമെടുപ്പ് ആക്ററ് 3(1)-ാം വകുപ്പുപ്രകാരമുള്ള വിജ്ഞാപനം 18-12-1979-ലെ ഗസററിൽ 3-ാം ഭാഗത്ത് 3587-ാം പേജിൽ പ്രസിദ്ധപ്പെടുത്തിയിരുന്നു. എന്നാൽ അവസാന സർവേയിൽ വിലയ്ക്കെടുക്കേണ്ട സ്ഥലത്ത് ചിറക്കടവ് വില്ലേജിലെ സർവ്വേ നമ്പർ 1207 ഉൾപ്പെടുകയില്ല എന്നു കാണുകയുണ്ടായി. അതിനാലാണ് ഈ വിജ്ഞാപനം പ്രസിദ്ധീകരിക്കുന്നത്.

C. 1254

GOVERNMENT OF KERALA

Home (C) Department

NOTIFICATION

G. O. (Rt) No. 1919/81/Home. *Dated, Trivandrum, 17th August* 1981.

S. R. O. No. 1137/81.—In exercise of the powers conferred by subsection 8 of section 24 of the code of Criminal Procedure (Central Act 2 of 1974), the Government of Kerala hereby appoint Sri. Mohammed Nadukkandy as Special Public Prosecutor for the conduct of prosecution in Crime No. 80/81 of Cusba Police station.

By order of the Governor,
K. ACHUTHAN NAIR,
Joint Secretary,

Explanatory Note

(This is not part of the notification, but is intended to achieve its general purport).

Government have considered it necessary to appoint Sri Mohammed Nadukkandy as Special Public Prosecutor for the conduct of Prosecution in Crime 80/81 of Cusba Police Station. The notification is intended to achieve the above object.

G. 1344

GOVERNMENT OF KERALA

Abstract

PUBLIC SERVICES—THE KERALA PART-TIME CONTINGENT SERVICE—SPECIAL RULES—AMENDMENT TO RULE 3—ISSUED.

GENERAL ADMINISTRATION (RULES) DEPARTMENT

G. O. (P) No. 271/81/GAD. Dated, Trivandrum, 19th August 1981.

NOTIFICATION

S.R.O. No. 1138/81.—In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), the Government of Kerala hereby make the following amendment to the Special Rules for the Kerala Part-time Contingent Service published under Notification G. O. (P) No. 152/75/PD dated the 2nd August, 1975, as S.R.O. No. 742/75, in Part I of the Kerala Gazette No. 34 dated the 2nd September, 1975, as subsequently amended, namely:—

AMENDMENT

In the said rules, in rule 3, in the first proviso, the words "in the Police Department" shall be omitted.

By order of the Governor,
C. K. K. PANICKER,
Special Secretary

Explanatory Note

(This note is not part of the notification but is intended to indicate its general purport)

Government have decided that all Ex-Home Guard Volunteers will be absorbed in future vacancies of part-time contingent posts in all Government Departments without reference to the Employment Exchange. In order to implement the decision, Rule 3 of the Special Rules for the Kerala Part-time Contingent Service requires amendment. This notification is intended to achieve the above object.

G. 1298

To

All Heads of Departments and Offices.
All Departments of the Secretariat (all sections).
The Secretary, Kerala Public Service Commission, Trivandrum (with C. L.)

The Registrar, University of Kerala, Trivandrum ,,
The Registrar, University of Calicut, Calicut ,,
The Registrar, University of Cochin, Cochin ,,
The Registrar, High Court of Kerala, Ernakulam ,,
The Registrar, Kerala Agricultural University, Trichur ,,
The General Manager, Kerala State Road Transport Corporation, Trivandrum ,,
The Secretary, Kerala State Electricity Board, Trivandrum ,,
The Advocate General, Ernakulam
The Accountant General, Kerala, Trivandrum.
All Special Secretaries, Secretaries, Additional Secretaries, Joint Secretaries, Deputy Secretaries and Under Secretaries to Government
The Secretary to Governor.
The Private Secretaries to the Chief Minister and other Ministers.
The General Administration (Services-F) / (Services-C) Departments
The Under Secretary to the Chief Secretary.
All Recognised Service Associations

Government of Kerala
1981

Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVI] Trivandrum, Tuesday, 6th October 1981 / 14th Asvina 1903 [No. 784

GOVERNMENT OF KERALA

Home (SSA) Department

NOTIFICATION

No. 51310/SSA1/81/Home. *Dated, Trivandrum, 6th October,* 1981.

S. R. O. No. 1145/81.—Whereas the District Magistrate, Trivandrum has as per Proceedings No. C5-72223/81 dated the 23rd September, 1981, made an order under sub-sections (i) and (ii) of Section 21 of the Kerala Police Act, 1960 (5 of 1961), prohibiting the carrying of deadly weapons like sword, dagger, knife, fire-arms or any other weapons or articles which are likely to be used as offensive weapons or are likely to endanger human life, public safety or property and under Section 23 of the said Act prohibiting any procession or public assembly in the whole area falling under Muttathara and Thiruvallam villages and Veli in Kadakampally village of Trivandrum Taluk ;

And whereas the said order is due to expire on the 7th October, 1981;

And whereas the Government of Kerala consider that for the preservation of public peace it is necessary that the order under Section 23 of the Act shall continue to remain in force;

Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 23 of the Kerala Police Act, 1960 (5 of 1961), the Government of Kerala hereby direct that the said order under Section 23 shall remain in force for a further period of 15 days with effect on and from 8th day of October, 1981.

By order of the Governor,

K. V. Moidu,

Additional Secretary to Government.

Explanatory Note

It has been reported to Government that considerable tension exists between two communities in the locality and therefore it is necessary to continue the prohibitory orders issued by the District Magistrate for the preservation of public peace in the area. Government are convinced that the prohibitory order has to be continued. Hence this notification. This is not part of the Notification but is intended to indicate its general purport.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1981

Government of Kerala
1981

Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVI] Trivandrum, Tuesday, 6th October 1981 / 14th Asvina 1903 (Saka) [No. 785

NOTICE

UNDER SECTION 9 (5) OF THE KERALA LAND ACQUISITION ACT, 1961
(ACT 21 OF 1962)

No. A.547/80. *5th October* 1981.

Notice is hereby given that the Government intend to take possession of the lands mentioned in the list below, which are required for a public purpose under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962). All persons interested in the lands are required to appear in person or by authorised agent, on the date, time and place noted below and to state/put in a statement in writing signed by themselves or their agents showing the nature of their respective interests in the lands and the amount and particulars of their claim to compensation for such interests in the lands and their objections, if any, to the measurements made under section 8 of the Act.

Note.—If the persons interested refuse to make a claim to compensation or omit without sufficient reasons to make such claim, the amount to be awarded by the Court, in the event of a reference being made to it on application made by them shall in no case exceed the amount awarded by the Collector under section 11 of the Act.

താഴെ കൊടുത്തിരിക്കുന്ന ലിസ്റ്റിൽ പറഞ്ഞിട്ടുള്ളതും, 1961-ലെ കേരളാ സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21-ാം ആക്റ്റ്) പ്രകാരം ഒരു പൊതു കാര്യത്തിന് ആവശ്യമായിട്ടുള്ളതുമായ ഭൂമി കൈവശപ്പെടുത്തുവാൻ ഗവൺമെൻറ് ഉദ്ദേശിക്കുന്നുവെന്ന് ഇതിനാൽ നോട്ടീസ് നൽകിയിരിക്കുന്നു. പ്രസ്തുത ഭൂമിയിൽ അവകാശബന്ധമുള്ള എല്ലാപേരും നേരിട്ടോ, അധികൃത ഏജൻറു മുഖേനയോ താഴെ പറയുന്ന തീയതിയിലും സമയത്തും സ്ഥലത്തും ഹാജരാകുകയും ഭൂമിയിൽ അവരവർക്കുമുള്ള അവകാശബന്ധത്തെ

33/3812/B.

ളുടെ സ്വഭാവവും ഭൂമിയിൽ അങ്ങനെയുള്ള അവകാശബന്ധങ്ങളും സംബന്ധിച്ചിടത്തോളം നഷ്ടപ്രതിഫലത്തിന് അവർക്കുള്ള തേർച്ചയുടെ തുകയും വിവരങ്ങളും ആക്റ്റ് 8-ാം വകുപ്പു പ്രകാരം എടുത്തിട്ടുള്ള അളവു സംബന്ധിച്ച് വല്ല ആക്ഷേപവുമുണ്ടെങ്കിൽ അതും എന്താണെന്ന് കാണിച്ചു കൊണ്ട് പ്രസ്താവന ചെയ്യുകയും, അവരോ അവരുടെ ഏജന്റുമാരോ എഴുതി ഒപ്പിട്ട ഒരു സ്റ്റേറ്റുമെന്റ് സമർപ്പിക്കുകയും ചെയ്യണമെന്ന് അവരോട് ആവശ്യപ്പെടുന്നു.

കുറിപ്പ്:—അവകാശബന്ധമുള്ളവർ നഷ്ടപ്രതിഫലത്തിന് തേർച്ച ചെയ്യാൻ കൂട്ടാക്കാതിരിക്കുകയോ, മതിയായ കാരണമില്ലാതെ അങ്ങനെ തേർച്ച ചെയ്യാൻ വീഴ്ച ചെയ്യുകയോ ചെയ്യുന്നപക്ഷം അവരുടെ അപേക്ഷയിൻമേൽ കോടതിക്ക് റഫറൻസ് അയക്കുന്ന സംഗതിയിൽ കോടതി വിധിച്ചു കൊടുക്കേണ്ട തുക യാതൊരു സംഗതിയിലും ആക്റ്റ് 11-ാം വകുപ്പു പ്രകാരം കളക്ടർ വിധിച്ചുകൊടുക്കുന്ന തുകയിൽ കവിയാൻ പാടില്ലാത്തതാകുന്നു.

Date, time and place of appearance.— 28-10-1981 at 11 a. m. before the Special Tahsildar (L.A.), Railways, Ernakulam Junction.

ഭൂമി വിവരണം

ജില്ല—എറണാകുളം. താലൂക്ക്—കണയന്നൂർ.

വില്ലേജ്—എളംകുളം.

സർവ്വേ നമ്പർ	വിവരണം	വിസ്തീർണ്ണം ഹെക്ടറിൽ
939/9	നാളത് നിലം നികർത്ത്	0.0700
939/10	നിലം	0.1080
939/12	,,	0.1890
939/14	,,	0.1820
935/21	നാളത് നിലം നികർത്ത്	0.0240
935/19	വെള്ളക്കെട്ട്, നിലം, നാളത് നിലം നികർത്ത്	0.6340
935/15	നാളത് നിലം നികർത്ത്	0.2040
936/8	,,	0.1740
936/6	,,	0.0340
937/15	പുരയിടം	0.0430
963/2	നാളത് നിലം നികർത്ത്	0.0700
915/11	പുരയിടം	0.0073
925/11	നിലം	0.0250

എൻ. ഗോപിനാഥൻ,
സ്പെഷ്യൽ തഹസീൽദാർ (LA),
റെയിൽവേയ്സ്, എറണാകുളം.

എറണാകുളം.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1981

Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVI] Trivandrum, Tuesday, 6th October 1981 / 14th Asvina 1903 [No. 786

GOVERNMENT OF KERALA

Public Works (D) Department

ERRATUM TO DECLARATION

No. 40443/D1/81/PW. *Dated, Trivandrum, 29th September,* 1981.

In the Schedule of the Draft Declaration under section 6 of the K. L. A. Act 1961 (Act 21 of 1962) approved in Government No. 27718/D1/PW. dated 23-6-1980 and published as Kerala Gazette Extraordinary No. 425 dated 25-6-1980 relating to the acquisition of lands for construction of Trivandrum-Neyyattinkara Byepass of N. H. 47 (First stage-Kazhakkuttom to Kovalam) portion from Library Junction canal Gate road to Kallingal Edavazhy, Block No. XVII in Attipra Village of Trivandrum Taluk in Trivandrum District.

കേരളാ ഗവൺമെൻറിൻെറ 25-6-1981-ാം തീയതിയിലെ 425-ാം നമ്പർ അസാധാരണ ഗസററിൽ 23-6-1980-ാം തീയതിയിലെ 27718/D1/80/PW നമ്പരായി കേരളാ സ്ഥലമെടുപ്പ് ആക്ററ് 6-ാം വകുപ്പുപ്രകാരം 17-ാം ബ്ലോക്കിൽ ആററിപ്ര വില്ലേജിൽപ്പെട്ട സ്ഥലം നാഷണൽ ഹൈവേ 47-ൽ പെട്ട തിരുവനന്തപുരം-നെയ്യാററിൻകര ബൈപാസ് റോഡ് നിർമ്മിക്കുന്നതിന് (I-ാം ഭാഗം കഴക്കൂട്ടം മുതൽ കോവളം വരെയുള്ളതിൽ ലൈബ്രറി ജംഗ്ഷൻ കനാൽ ഗേററു ലയിൻ മുതൽ കല്ലിംഗൽ ഇടവഴി വരെയുള്ള ഭാഗത്തിൻെറ) പൊന്നും വിലയ്ക്കെടുക്കാൻ ഗവൺമെൻറ് അംഗീകരിച്ചു പ്രസിദ്ധപ്പെടുത്തിയ പ്രഖ്യാപനത്തിൻെറ വസ്തുവിൻെറ വിവരണത്തിൽ താഴെ കാണുന്നവിധം തിരുത്തി വായിക്കുക.

33/3813/V.

SCHEDULE

District—Trivandrum.

Taluk—Trivandrum.

Village—Attipra.

Block No. 17

For :
(പകരം)

Sl. No.	Sy. No. & Sub. No.	Extent h.	a.	sqm.
65	2196/11	0	01	50
66	2196/10	0	01	62
67	2195/8	0	08	59
68	2196/9	0	03	24
69	2196/5	0	01	22
70	2196/6	0	00	17
71	2190/9	0	02	75
72	2190/10	0	00	37
73	2190/7	0	02	12
74	2190/8	0	04	66
75	2190/6	0	01	11
76	2190/5	0	01	10
77	2190/4	0	01	11

Read :
(വായിക്കുക)

Sl. No.	Sy. No. & Sub. No.	Extent h.	a.	sqm.
65	2196/3	0	00	50
66	2196/5	0	01	01
67	2196/6	0	01	62
68	2196/7	0	09	35
69	2196/8	0	00	90
70	2196/9	0	01	85
71	2196/10	0	00	86
72	2196/12	0	00	56
73	2190/7	0	01	15
74	2190/8	0	00	25
75	2190/9	0	01	15
76	2190/6	0	00	50
77	2190/10	0	01	11
78	2190/11	0	01	11
79	2190/12	0	01	11
80	2190/13	0	02	12
81	2190/14	0	04	25
82	2190/15	0	00	40

By order of the Governor,

P. SOUMINI,
Joint Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1981.

Government of Kerala
1981

Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVI] Trivandrum, Tuesday 6th October 1981 / 14th Asvina 1903 (Saka) [No. 783

1961-ലെ കേരള സർവ്വെയും അതിർത്തിയും സംബന്ധിച്ച ആക്റ്റിലെ 6-ാം വകുപ്പുപ്രകാരമുള്ള പരസ്യം

C-235/81.

1981 സെപ്റ്റംബർ 28.

താഴെ പറയുന്ന താലൂക്കിൽ താഴെ പറയുന്ന വില്ലേജിലെ താഴെ പറയുന്ന സർവ്വെ നമ്പരുകളിൽപ്പെടുന്ന ഭൂമികളുടെ സർവ്വെ നടത്തണമെന്നു ഗവൺമെന്റ് നിർദ്ദേശിച്ചിരിക്കുകയാൽ താഴെ പറയുന്ന വില്ലേജിൽ സർവ്വെ പ്രവർത്തനങ്ങൾ വേഗം തന്നെ ആരംഭിക്കുന്നതാണെന്നും താഴെ പറയുന്ന വില്ലേജിലെ താഴെ പറയുന്ന സർവ്വെ നമ്പരുകൾ അതിർത്തി തിരിച്ച് സർവ്വെ ചെയ്യുന്നതാണെന്നും 1961-ലെ കേരള സർവ്വെയും അതിർത്തിയും സംബന്ധിച്ച ആക്റ്റിലെ 6 (1)-ാം വകുപ്പുപ്രകാരം ഇതിനാൽ പരസ്യം ചെയ്യുന്നു. താഴെ പറയുന്ന ഭൂമികളുടെ ഉള്ളിലോ അഥവാ അവയോടു ചേർന്നോ സ്ഥിതിചെയ്യുന്ന രജിസ്റ്റർ ചെയ്ത ഭൂമികളിൽ അവകാശമുണ്ടെന്ന് തേർച്ച ചെയ്യുന്ന ഏതൊരാളെയും നേരിട്ടോ ഏജന്റു മുഖേനയോ സ്ഥലത്തു ജോലി ചെയ്യുന്ന സർവ്വെയരുടെ അടുത്തു ഹാജരാകുന്നതിനും അതിരുകൾ കാണിച്ചു കൊടുക്കുന്നതിനും അതോടു ബന്ധപ്പെട്ട വിവരങ്ങൾ നൽകുന്നതിനും വേണ്ടി അതാത് സമയം ആവശ്യപ്പെടുമ്പോൾ ഹാജരാകുന്നതിനും വേണ്ടി ഇതിനാൽ ക്ഷണിച്ചു കൊള്ളുന്നു.

പ്രസ്തുത ആക്റ്റിലെ 6 (2) എന്ന വകുപ്പുപ്രകാരം ഈ പരസ്യം താഴെ പറയുന്ന ഭൂമികളിൽ അവകാശബന്ധമുള്ള ഏതൊരാൾക്കുമുള്ള സാധുവായ നോട്ടീസായി കണക്കാക്കപ്പെടുന്നതാണ്.

പ്രസ്തുത ആക്ടിലെ 6 (3)-ാം വകുപ്പ് പ്രകാരം രജിസ്റ്റർ ചെയ്ത എല്ലാ കൈവശക്കാരും:—

(എ) സർവ്വെ ചെയ്യുന്നതിനുവേണ്ടി നിർമ്മാർജ്ജനം ചെയ്യേണ്ട ആവശ്യമുണ്ടായേക്കാവുന്ന വല്ല മരങ്ങളോ കുററിക്കാടുകളോ വേലികളോ നിൽക്കുന്ന വിളകളോ അഥവാ സാരവത്തായ മററു തടസ്സങ്ങളോ 15 ദിവസത്തിനകം മുറിച്ചുകളയുകയോ നീക്കംചെയ്യുകയോ ചെയ്ത് അതിരുകളോ മററു ലൈനുകളോ വെടിപ്പാക്കണമെന്നും,

(ബി) കൊടിപിടിക്കുന്നവരെയും ചെയിൻമാൻമാരെയും നിയോഗിച്ച് അതതു സമയം ആവശ്യമായേക്കാവുന്ന സമയത്തേക്കും കാലത്തേക്കും തൊഴിലാളികളെ ഏർപ്പെടുത്തണമെന്നും,

(സി) അനുയോജ്യമായ സർവ്വെ അടയാളങ്ങൾ നൽകണമെന്നും മററു പ്രകാരത്തിൽ പ്രസ്തുത ആക്ററോ അതുപ്രകാരമുണ്ടാക്കിയിട്ടുള്ള ചട്ടങ്ങളോ അനുസരിച്ച് ആവശ്യപ്പെട്ടേക്കാവുന്ന സഹായങ്ങൾ സർവ്വേയർക്ക് നൽകണമെന്നും ഇതിനാൽ ആവശ്യപ്പെടുന്നു.

മേൽപ്പറഞ്ഞ (എ) മുതൽ (സി) വരെയുള്ള ഖണ്ഡങ്ങൾ പ്രകാരമുള്ള ഈ അഭ്യർത്ഥനകൾ അനുസരിക്കുന്നതിൽ ആരെങ്കിലും വീഴ്ച വരുത്തുകയാണെങ്കിൽ ജോലി കൂലിപ്പണിക്കാരെക്കൊണ്ട് ചെയ്യിക്കുന്നതും ആയതിന്റെ ചെലവ് ആക്ററിലും അതുപ്രകാരമുണ്ടാക്കിയിട്ടുള്ള ചട്ടങ്ങളിലും വ്യവസ്ഥ ചെയ്തിട്ടുള്ളതുപോലെ വീഴ്ച വരുത്തിയിട്ടുള്ളവരിൽനിന്നും വസൂലാക്കുന്നതുമാണ്.

ഭൂമിയുടെ വിശദവിവരങ്ങൾ

താലൂക്ക്—കുന്നത്തൂർ. വില്ലേജ്—പൊരുവഴി ആൻഡ് ശൂരനാട് തെക്ക്.

വില്ലേജ്—പൊരുവഴി.

സർവ്വെ നമ്പരുകൾ—486, 487, 529, 531, 540, 541, 542.

വില്ലേജ്—ശൂരനാട് തെക്ക്.

സർവ്വെ നമ്പരുകൾ—167, 168, 173, 175, 182, 183, 338, 339, 340, 380, 381.

(ഒപ്പ്)
സ്പെഷ്യൽ തഹശീൽദാർ
(പൊന്നുംവില),
കെ. ഐ. പി. നമ്പർ VIII.

ശാസ്താംകോട്ട.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1961